

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GRICELDA ESCOBAR,

Plaintiff,

- against -

LAUNDRY LAND, INC., et al,

Defendants.

18 CV 4246 (LMS)

JUDGMENT

THE HONORABLE LISA MARGARET SMITH, U.S.M.J.

Whereas the above entitled action having been assigned to the Honorable Lisa Margaret Smith, United States Magistrate Judge, by consent of the parties for approval of the settlement reached in a case brought under the Fair Labor Standards Act ("FLSA"), and thereafter such settlement was approved on May 10, 2019; and whereupon the case was voluntarily dismissed on May 30, 2019.

The Court, having retained jurisdiction to resolve any dispute related to the settlement agreement, reviewed Plaintiff Gricelda Escobar's first and second motions to reopen this case and enforce the settlement. ECF Nos. 37 and 41. Defendants failed to respond to the Court's Order directing Defendants to respond to Plaintiff's second motion to reopen. ECF No. 42. In the first and second motions, Plaintiff asserted that Defendants failed to make payments as required by the settlement agreement, leaving a balance of \$6,000.00 of the total \$31,000.00 settlement. Plaintiff asserted that, "[c]onsistent with the terms of the settlement agreement, Defendants signed a confession of judgment for an additional \$15,000.00 to be included in

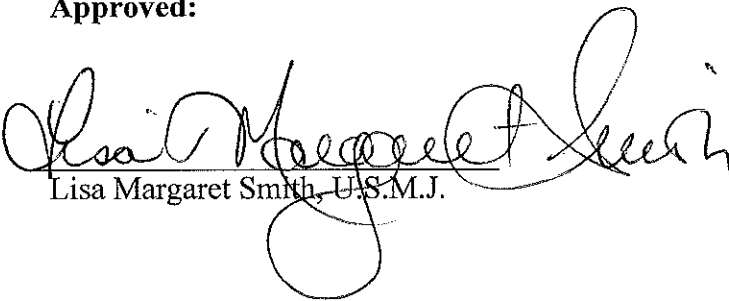
the balance owed." ¹ ECF No. 41 at 2. Plaintiff now seeks the amount of \$21,000.00 as due Plaintiff under the terms of the settlement agreement, plus reasonable attorney's fees in the amount of \$400.00 for the 1.0 hour Plaintiff's counsel expended in submitting the first and second motions to reopen and in correspondence with Defendants' counsel and Plaintiff.

It is hereby ORDERED, ADJUDGED, AND DECREED: that Judgment is found in favor of Plaintiff Gricelda Escobar in the amount of \$21,000.00, plus reasonable attorney's fees in the amount of \$400.00, for a total of \$21,400.00.

The Clerk of Court is directed to terminate the motion at ECF No. 41.

Dated: June 30, 2020
White Plains, New York

Approved:



Lisa Margaret Smith, U.S.M.J.



CLERK

Ruby J. Kajick, Clerk of Court

¹ Defendants did not specifically authorize that an additional \$15,000.00 be added to the balance. Defendant Anthony Guiliano signed an Affidavit of Confession of Judgment on May 2, 2019, on behalf of himself and the corporate Defendant, authorizing entry of judgment against Defendants "jointly and severally, in favor of Plaintiff for the sum of Forty Six Thousand Dollars and Zero Cents (\$46,000.00), less the amount for the payments already made, pursuant to the terms of the Settlement Agreement and General Release (the "Settlement Agreement") . . ." ECF No. 34 at 14. Plaintiff asserted in its motion that the unpaid balance of the settlement is \$6,000.00, which means that \$25,000.00 had already been paid. Under the Affidavit of Confession of Judgement, Defendants authorized judgment to be issued against them in the amount of \$21,000.00 (\$46,000.00 less \$25,000.00).